

Equality and Human Rights Impact Assessment Publication Document

Title of Policy:	Estates On-Call Policy		
EHRIA Lead Person:	Cathriona Affleck	Role & Establishment/Business Area:	Head of HR Central Services
Date EHRA Completed:	01/04/2020	Is this a new or revised policy/practice?	New <input type="checkbox"/>
Date EHRA published and where:	02/04/2020 <u>EHRIA publications</u>		Revised <input checked="" type="checkbox"/>
Review Date and frequency:	02/04/2022. As part of the 3 year policy review, or before if legislation changes dictate.		
Aims of policy/practice:	<p>The intended outcome of this policy is to clearly set out in detail the application of the on-call arrangements for SPS Estates employees, the eligibility criteria, and how the rate of payment is established for the Estates On-Call Allowance.</p> <p>The policy aims to ensure compliance with current employment legislation including the Equality Act 2010, the Prevention of less favourable treatment of part time workers and Flexible Working legislation, and Working Time Regulations.</p> <p>The policy review takes account of any feedback or queries received from employees, aiming to ensure that employees have a clearer understanding of the scope of the policy going forward.</p>		

What quantitative and/or qualitative evidence as well as case law relating to equality and human rights have you considered when deciding to develop new or revise current policy/practice?	<p>The group considered the policy and guidance in line with ACAS, CIPD, and XpertHR guidance, the Civil Service Management Code, as well as comparing it to how a number of other organisations' policies to ensure that the SPS policy was as clear as possible, and compliant with regulations and obligations.</p> <p>The group also considered queries received by the ER&R team to ensure these were clear in the revised policy.</p> <p>We also sought feedback from members of the HR community in SPS who had first-hand experience of dealing with on-call queries, in order to improve the policy.</p>
Who did you consult with?	E&D team, TUS, Operations Directorate, HR Colleagues, HR Policy Steering Group, PGA, and Legal Advisors.
What did you learn?	<p>This revised policy is welcomed by all groups and deemed to be more transparent in the application of the policy.</p> <p>We learned that the policy is compliant with legislation and legal obligations, however additional wording was included to emphasise the importance of the Working Time Regulations and taking sufficient rest breaks.</p> <p>The policy now also provides more transparency regarding the eligibility criteria and what happens when employees are on annual leave or sick absence.</p>
How did the consultation shape the policy/practice?	The feedback received from the TUS, HR community and employee queries were important in shaping the continued development of this policy. Where the policy was silent on a number of points, the feedback from these groups ensured that we were able to provide more detail in the application of the policy.

What effect does the new/revised policy/practice have on:	
1. Contributing to eliminating discrimination, harassment and victimisation?	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
2. Advancing equality of opportunity between those who share a protected characteristic and those who do not?	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
3. Fostering good relations between those who share a protected characteristic and those who do not?	Positive <input checked="" type="checkbox"/>
	Negative <input type="checkbox"/>
	No effect <input type="checkbox"/>
4. Ensuring Human Rights articles compliance	Compliant <input checked="" type="checkbox"/>
	Breach <input type="checkbox"/>

Recommended Course of Action	
Outcome 1: Proceed – no potential for unlawful discrimination or adverse impact or breach of human rights articles has been identified.	<input checked="" type="checkbox"/>
Outcome 2: Proceed with adjustments to remove barriers identified for discrimination, advancement of equality of opportunity and fostering good relations or breach of human rights articles.	<input type="checkbox"/>
Outcome 3: Continue despite having identified some potential for adverse impact or missed opportunity to advance equality and human rights (justification to be clearly set out).	<input type="checkbox"/>
Outcome 4: Stop and rethink as actual or potential unlawful discrimination or breach of human rights articles has been identified.	<input type="checkbox"/>

<p><u>Summary of results, including the likely impact of the proposed policy/practice advancing equality and human rights</u></p>	<p>It is advised that the Policy should go ahead as there are a number of positive benefits to employees who participate in on-call arrangements. It also enhances the manner in which SPS as an employer supports employees who work part-time or have other flexible working arrangements.</p> <p>This policy will provide a clear framework for eligible SPS employees to access Estates On-Call Allowance.</p> <p>This is open to all eligible staff regardless of disability, marital status, socio economic background, gender identity, race, belief or sexual orientation.</p> <p>This upholds Human Rights.</p>
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Next Steps

The policy will be reviewed every 3 years, unless there is reason to trigger an early review, such as a change to employment legislation or Government requirements.

Closely monitor queries relating to the policy to assess whether there are potential breaches to human rights or equality issues, in how the policy is applied in practice, in particular where the Working Time Regulations are applied.